



DATE:

May 27, 2014

APPROVED BY:

Russell Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

April 29, 2014

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag called the meeting to order at 5:30 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Flenner (alt. for Siegel), Morse, Pegoraro (alt. for Troy), Schaedlich, Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch, and Pesec. Legal Counsel present: Assistant Prosecutor Michael DeLeone. Planning and Community Development Staff present: Mr. Radachy and Ms. Truesdell.

MINUTES

Mr. Pegoraro moved and Ms. Pesec seconded the motion to approve the March 2014 minutes.

Eight voted "Aye".
Two abstained.

FINANCIAL REPORT

Haines Criss+Cross Directory

Mr. Radachy said that the digital version of the Haines Criss+Cross Directory has been ordered for a cost of \$695.00. This software will assist the Intern in doing the Retail Trade Study Grant through NOACA. The payment will come out of the Software Account. Requested reimbursement from the Commissioners will be done to renew the ArcView ESRI software in October.

Madison Township: Lakeshore Farms Subdivision No. 1

Mr. Radachy said that Lakeshore Farms Subdivision No. 1 in Madison Township needs to have its plat recreated. The developer and surveyor of record no longer exist so the surveying company that is currently retaining the plat, LDC, Inc. or Land Design Consultants has agreed to correct the plat. The cost will be \$500.00 and the Commissioners have agreed to reimburse our Other Expenses account.

Mr. Morse moved and Mr. Welch seconded the motion to accept the November 2013 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. DeLeone said there were no legal reports.

Mr. Zondag asked Mr. DeLeone about the progress at Kimball Estates in Madison Township.

Mr. DeLeone said that George Hadden of the Engineer's office sent some plans over to the developer and Ken Hamilton's engineer was reviewing plans at this time.

Mr. Zondag asked if there was a time frame on this. It has been eight years.

Mr. DeLeone said they are cooperating right now by hiring an engineer to review the revisions. He said, depending on if it was a one-page or two-page set-up it should take a couple of weeks. He was asked to find out the extent of Mr. Hadden's packet.

Mr. Brotzman said he had not heard anything in months.

Mr. Radachy said to get through a full engineering review takes at least six months.

Mr. Zondag asked when Mr. Brotzman would be involved in this discussion.

Mr. DeLeone said our engineers should send Mr. Brotzman and Mr. Julius E. Vaildean to the developer's engineers. If there are some communication gaps, that would be between the owner and the developer, not between the County and the Owner.

Mr. Brotzman said it has always boiled down to when the Developer could go in and fix the property. He has heard for months that the Developer is looking at the plans with the Engineer. He recognized that if the fix was on his land, he probably should be talking to Mr. Hamilton. But, he is giving the County the opportunity to have the fix made on the Brotzman property because of the difficulty in getting Mr. Hamilton to do it within the Kimball Subdivision for which he is responsible. Mr. Hadden has said in past meetings that if the Developer was not cooperative, the County would just hire a contractor to do it, get it done, and deal with Mr. Hamilton. They have a signed letter from Mr. Gills and Mr. Hadden from May 23, 2006 that he must do this. But they have never taken any action on their own. No one ever seems to respect the deadlines.

Mr. Brotzman said he has seen a draft of a right of entry and the engineering plan that Mr. Szantho wrote back at the end of 2013. At the last meeting of this body, Mr. Hadden was talking to the engineer.

Mr. DeLeone said that at this point, they are now exchanging plans. There were discussions back in September. There were discussions with the developer and the developer's engineer which have now progressed to Mr. Hadden sending over another plan to their Engineer. There are probably going to be redlines sent back from the developer's engineer to Mr. Hadden. Mr. Hadden will review them to see if it will work. With engineering, there is always more than one way to accomplish the same goal. This process will probably repeat itself.

Mr. Zondag said that is not progress. He asked Mr. DeLeone for a time line from both parties.

Mr. DeLeone said his first hearing of this was today. From an outside perspective, he saw that from September to now there has been a progression.

Mr. Brotzman said there have been many meetings over the years. He did not have a drainage problem until Kimball Estates.

Mr. DeLeone summarized how long a litigation process could take. They are cooperating now and moving toward the goal.

Mr. Zondag wanted Mr. DeLeone to research if there was any potential litigation that was going to be filed on behalf of the Prosecutors against the parties. He also wanted to know the time line of what happened by whom in this project to see what the progression of work was. He also wanted to know when all the parties were brought into the discussion including Mr. Brotzman. He asked where the bank is involved and if there is a surety or a loan.

Mr. Radachy said the bank cannot divulge information of that nature.

Mr. Radachy said Subdivision Regulation 711.10 gives the Planning Commission the ability to review a plat. The point of us reviewing the Improvement Plans is to make sure the Improvement Plans correspond to the Plat. We have the County Engineer review the improvements in the Improvement Plans as does the Sanitary Engineer and Soil and Water and other agencies. We really do not have the authority to enforce the Improvement Plans. The Engineer reviews the Plat according to our regulations. We did not really allow an issue to happen by the Engineer.

Mr. Brotzman said he did not hold this body responsible. He thought it was either the Engineer's office review of the plans that were not correct. Or he reviewed plans that were correct but had changes made in the installation and the plans were not executed properly.

Mr. DeLeone said the Engineer reviews plans as as-builts to see if the as-builts will work. But he is not out every moment on the construction project to see if the plans are executed. They provide certain inspections. He said he understood their frustration, but he would not advise doing anything that would stall their progress. Although he did not know about the situation in the last eight years, but he did know that there has been significant progress in the last three months.

DIRECTOR'S REPORT

Mr. Radachy reported on the following items:

- Community Development Block Grant and HOME program managers had a meeting April 4th for agencies interested in applying for 2014 funds. About 60 people attended.
- He had assisted in selecting a contractor for Health District's TLCI grant, a study on creating new bike trails and greenway trails.
- He continued meeting with the Comprehensive Plan Committee in Concord Township.
- Greater Cleveland Trails and Greenways Conference will be held Thursday, June 12th.
- ODNr Division of Parks and Recreation which manages Ohio State Parks is doing a survey to find out what upgrades are wanted. It would be a good opportunity to go to the website and voice your opinion on needs and improvements to Headlands State Park.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

There were no subdivisions submitted for review.

SUBDIVISION ACTIVITY REPORT

Mr. Radachy reported the following:

- Summerwood Phase 4K, subplot 118 was recorded.
- Mountainside Farms, Phase 4 is going into maintenance.
- Cambden Creek Homeowners Association had questions about land, detention ponds, open space, setbacks, etc. The open space was not turned over to the bank. There has been no maintenance on it because it is on property that had gone to Sheriff's sale.
- Kellogg Park Estates Homeowners Association had questions about an entrance sign that needed to be replaced.
- Lakeshore Farms in Madison Township plat update needs to conform to a Stormwater Finalization Plan. Commissioners have allocated \$500 for LDC, Inc. to fix the plat.

LAND USE AND ZONING REVIEW

Painesville Township – Proposed District Amendment from B-1 Neighborhood Business and R-1 Single Family to R-4, Multi-Family

Mr. Radachy said that the property is located on Mentor Avenue in western Painesville Township. The request involves 22.095 acres of land and three parcels, two of which were occupied by single-family units and one that is vacant. The zoning map shows the land in the front was zoned B-1 and the land in the rear was zoned R-1. Staff also showed a land use map of the area and there were several condominiums in the general area. This land was being shown as zoned agricultural because it was formerly a nursery.

The Comprehensive Plan showed the site as a possible park location. The only areas of open space were located near Hadden Elementary School and the Fair Grounds. This part of the Township is reasonably served by Laketran. The marketing plan provided by Redwood Acquisitions LLC is targeting seniors and empty nesters but this is not a senior community.

Mr. Radachy said that the Comprehensive Plan acknowledged that single-family zoning may not work on the site because of its shape, but the Comprehensive Plan recommended developing the site as a PUD, which has greater open space requirements and the Township would have greater control. The Comprehensive Plan, adopted in 2007, can be varied the further you get away from the adoption date or if something has changed since the Plan was adopted. ODOT controls access to the site. They could force the development to get an easement from the adjacent condominium complex in order to connect.

Staff and the Land Use and Zoning Committee recommended that the district amendment not be made because it does not conform to the Comprehensive Plan.

Mr. Morse moved and Mr. Adams seconded the motion to accept the recommen-

dation of the Land Use and Zoning Committee to not recommend approval of the Proposed District Amendment from B-1, Neighborhood Business, and R-1 Single Family to R-4, Multi-Family in Painesville Township.

All voted "Aye".
Motion passed.

Painesville Township - Proposed Text Amendment to Sections 4.01, 6.02 (F) and 37.02

Mr. Radachy said this is in reference to the period of time someone can have an unlicensed or inoperable vehicle on their land. This would take the time period from 15 days to zero days. Painesville Township was revising Section 4.01 by changing the word "minor" to "unclassified" in reference to the misdemeanor. Staff stated they were deleting the words, "for a period of more than fifteen (15) days," from the first sentence in Section 6.02(F).

Mr. Radachy said that the Township was creating a new Section 37, which is an accelerated variance procedure for a reasonable accommodation. The Township needs to provide reasonable accommodations for the disabled. When a variance is required for something like a wheelchair ramp, requiring the applicant to wait the 30 days in order to gain access to their home may not be considered to be a reasonable accommodation. This process may help resolve this issue. The Zoning Inspector would be allowed to issue a permit on projects that are cut and dry based on it still going to the BZA for final approval.

Staff recommended that Sections 4.01 and 6.02 be accepted as submitted, and Section 37 be moved to Section 9, Board of Zoning Appeals. Staff stated that Section 9 also needs a review. It states that the powers of the Board of Zoning Appeals are in the ORC. But the ORC states the Board of Zoning Appeals may exercise certain powers.

Ms. Pesec said to consider Ohio Revised Code 519.99 penalty. Can Painesville Township call their penalty a minor or unclassified misdemeanor when ORC 519.99 does not state that language?

Ms. Pesec moved and Mr. Pegoraro seconded the motion to accept the recommendation of the Land Use and Zoning Committee to recommend approval of the proposed Text Amendment to Sections 4.01, 6.02 (F) and 37.02 in Painesville Township and move Section 37 to Section 9. It is recommended to review 4.01 to see if it is in compliance with ORC 519.99.

All voted "Aye".
Motion passed.

REPORTS OF SPECIAL COMMITTEES

The next Coastal Plan Committee meeting will be May 28, 2014.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

Mr. Radachy said that the Annual Report is in their packets. The format has been changed to a more concise report. This Annual Report is for the Planning Commission and another one will be submitted for Community Development/CDBG-HOME.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Morse moved and Mr. Pegoraro seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 6:50 p.m.